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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,193	08/05/2003	Patrick L. Von Behren	2003P03219US	8324

7590 06/24/2005

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
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EXAMINER

JAWORSKI, FRANCIS J

ART UNIT	PAPER NUMBER
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3737

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5P

Office Action Summary	Application No. 10/635,193	Applicant(s) VON BEHREN ET AL.	
	Examiner Jaworski Francis J.	Art Unit 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 080503.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>080503</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8, 10-11, 13, 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Li (US5582173, of record in the IDS filed 08052003). Since Li in Figs. 9 and 10 teaches 3D EFOV buildup using scan plane acquisitions which are non-parallel, at least some of the data in the scan frames overlap. Under the definition that a planar scan frame is a subset of the 3D volume to which it contributes, meaning that it has a finite thickness defined by the elevational resolution, Li anticipates the claimed method, including holding the transducer at a substantially stationary position in Fig. 9 and using translation in Fig. 6.

Claims 1-6, 8, 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Jong et al (US6572549) which teaches 3D EFOV buildup, see col. 9 lines 17-29.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Li or Jong et al as applied to claim1 above, and further in view of Weng et al (US5782766, of record in the mentioned IDS) insofar as the latter reveals that the artisan would consider the built-up image to be a compounded image..

Claims 6, 12, 14, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li as applied to claim1 above, and further in view of Sumanaweera et al (US6306091) col. 15 lines 8-21 since this reference teaches that in transformation registry between two overlapping three-dimensional (i.e. true volume) subsets (per col. 3 top), pressure distortion may be accommodated by particularizing the morphing or transforming therebetween.

Claims 9, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jong et al as applied to claim1 above, and further in view of Li insofar as Li notes that external tracking sensors were known to determine transducer displacement between component scan and that EFOV data is acquired by a variety of scan types..

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jong et al as applied to claim 1 above, and further in view of Sumanaweera et al as the latter was applied above.

Art Unit: 3737

Patentability Assessment

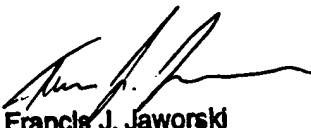
In a first argument set the Examiner is proposing that since an image frame is a volume subset, claims which do not specify true 3D volume subset acquisition (i.e. all but 6, 12) are readable against overlapping frame-based EFOV acquisition with Li of record as best representing the argument basis.

In a second argument set the Examiner is proposing that true 3D EFOV was contemplated by Jong et al.

Robinson et al (US6582367) with common assignment and overlapping inventorship to Jong et al mentions panoramic 3D EFOV, see col. 10 lines 11 – 22.

US6780152 maturing from S.N. 10/180,386 which is mentioned on page second of the 8-5-03 IDS was considered for cited art and double-patenting purposes.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738


Francis J. Jaworski
Primary Examiner

FJJ:fjj

06222005